

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LORI JENSON, Individually, and
as Administrator of the Estate
of Eugene Jenson,

Plaintiff,

Case No. 03-C-1406

v.

UNITED STATES OF AMERICA,

Defendant.

OPINION AND ORDER

The Plaintiffs in this medical malpractice case have moved the court for an order granting partial summary judgment on the claims of negligent nursing care. To be entitled to summary judgment, movants must establish that no material facts are in dispute and that the movants are entitled to judgment as a matter of law. See Federal Rule of Civil procedure 56(c).

Having examined the record, the court finds that material facts are in dispute in regard to the standard of care and in regard to the alleged negligence. Therefore, the court ORDERS that the "Plaintiff's Motion for Partial Summary Judgment" (filed May 13, 2005) IS DENIED.

IT IS FURTHER ORDERED that the "Defendant's Motion in Limine to Preclude Expert Testimony of Dr. Elaine Samuels and Mr. William Kalke" (filed May 16, 2005) IS GRANTED IN PART AND DENIED IN PART. Based upon the findings of fact and conclusions of law set forth on the record of the hearing, the court will allow the

expert testimony of William Kalke on the issue of economic loss. The court will exclude the expert testimony of Dr. Elaine Samuels on all issues except the cause of death.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 5th day of August, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge